



# **Interim Audit Report of the Audit Division on the American Financial Services Association PAC**

(January 1, 2013 - December 31, 2014)

---

## **Why the Audit Was Done**

Federal law permits the Commission to conduct audits and field investigations of any political committee that is required to file reports under the Federal Election Campaign Act (the Act). The Commission generally conducts such audits when a committee appears not to have met the threshold requirements for substantial compliance with the Act.<sup>1</sup> The audit determines whether the committee complied with the limitations, prohibitions and disclosure requirements of the Act.

## **Future Action**

The Commission may initiate an enforcement action, at a later time, with respect to any of the matters discussed in this report.

## **About the Committee (p. 2)**

The American Financial Services Association PAC is a qualified, non-party political action committee headquartered in Washington, D.C. For more information, see the chart on the Committee Organization, p.2.

## **Financial Activity (p. 2)**

• <b>Receipts</b>	
○ Contributions from Individuals	\$ 820,603
○ Contributions from Other Political Committees	10,000
○ Other Receipts	24,380
<b>Total Receipts</b>	<b>\$ 854,983</b>
• <b>Disbursements</b>	
○ Transfers to Affiliated/Other Party Committees	\$ 22,000
○ Contributions to Federal Candidates/Other Committees	735,850
○ Other Disbursements	25,304
<b>Total Disbursements</b>	<b>\$ 783,154</b>

## **Findings and Recommendations (p. 3)**

- Misstatement of Financial Activity (Finding 1)
- Excessive Contributions Made to Federal Candidates (Finding 2)

---

<sup>1</sup> 52 U.S.C. §30111(b).

# **Interim Audit Report of the Audit Division on the American Financial Services Association PAC**

---

(January 1, 2013 - December 31, 2014)



# **Table of Contents**

	<b>Page</b>
<b>Part I. Background</b>	
Authority for Audit	1
Scope of Audit	1
<b>Part II. Overview of Committee</b>	
Committee Organization	2
Overview of Financial Activity	2
<b>Part III. Summaries</b>	
Findings and Recommendations	3
<b>Part IV. Findings and Recommendations</b>	
Finding 1. Misstatement of Financial Activity	4
Finding 2. Excessive Contributions Made to Federal Candidates	7

# **Part I**

## **Background**

### **Authority for Audit**

This report is based on an audit of the American Financial Services Association PAC (AFSAPAC), undertaken by the Audit Division of the Federal Election Commission (the Commission) in accordance with the Federal Election Campaign Act of 1971, as amended (the Act). The Audit Division conducted the audit pursuant to 52 U.S.C. §30111(b), which permits the Commission to conduct audits and field investigations of any political committee that is required to file a report under 52 U.S.C. §30104. Prior to conducting any audit under this subsection, the Commission must perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. 52 U.S.C. §30111(b).

### **Scope of Audit**

Following Commission-approved procedures, the Audit staff evaluated various risk factors and as a result, this audit examined:

1. the disclosure of individual contributors' occupation and name of employer;
2. the disclosure of disbursements, debts and obligations;
3. contributions to candidate committees;
4. the consistency between reported figures and bank records;
5. other committee operations necessary to the review.

## Part II

### Overview of Committee

#### Committee Organization

<b>Important Dates</b>	
• Date of Registration	March 17, 1976
• Audit Coverage	January 1, 2013 - December 31, 2014
<b>Headquarters</b>	
Washington, D.C.	
<b>Bank Information</b>	
• Bank Depositories	Two
• Bank Accounts	Two
<b>Treasurer</b>	
• Treasurer When Audit Was Conducted	Bill Himpler
• Treasurer During Period Covered by Audit	Bill Himpler
<b>Management Information</b>	
• Attended FEC Campaign Finance Seminar	Yes
• Who Handled Accounting and Recordkeeping Tasks	Paid Staff

#### Overview of Financial Activity (Audited Amounts)

<b>Cash-on-hand @ January 1, 2013</b>	<b>\$ 246,207</b>
<b>Receipts</b>	
○ Contributions from Individuals	820,603
○ Contributions from Other Political Committees	10,000
○ Other Receipts	24,380
<b>Total Receipts</b>	<b>\$ 854,983</b>
<b>Disbursements</b>	
○ Transfers to Affiliated/Other Party Committees	22,000
○ Contributions to Federal Candidates/Other Committees	735,850
○ Other Disbursements	25,304
<b>Total Disbursements</b>	<b>\$ 783,154</b>
<b>Cash-on-hand @ December 31, 2014</b>	<b>\$ 318,036</b>

## **Part III**

### **Summaries**

#### **Findings and Recommendations**

##### **Finding 1. Misstatement of Financial Activity**

During audit fieldwork, a comparison of AFSAPAC's reported financial activity with its bank records revealed a misstatement of receipts, disbursements, and the beginning and ending cash balances for 2013, and the beginning and ending cash balances for 2014. For 2013, AFSAPAC understated the beginning cash balance by \$113,536, understated receipts by \$10,081, understated disbursements by \$67,905, and understated the ending cash balance by \$55,712. For 2014, AFSAPAC understated the beginning cash balance by \$55,712, and the ending cash balance by \$53,393. Multiple amendments were filed after the beginning of the audit for both 2013 and 2014, but they did not fully correct the misstated amounts. The Audit staff recommends that AFSAPAC amend its most recently filed disclosure report to correct the misstatements.

In addition, AFSAPAC's original reports for 2013 and 2014 materially understated receipts by \$310,683. AFSAPAC attempted to correct these misstatements and filed amended reports for each reporting period during the 2 year cycle; filing multiple amendments to correct these errors. The Audit staff recommends that AFSAPAC provide any additional comments it deems necessary with respect to this matter. (For more detail, see p. 4.)

##### **Finding 2. Excessive Contributions Made to Federal Candidates**

AFSAPAC made 11 contributions to seven federal candidate committees that, when aggregated with 22 previous contributions, appear to have exceeded the contribution limit by \$18,000. In response to the exit conference, AFSAPAC redesignated contributions of \$17,000, and has sought or obtained refunds for the remaining amount. The Audit staff recommends AFSAPAC amend its reports to correctly disclose the redesignation of contributions made and provide evidence of refunds received, or evidence demonstrating that the contributions were not excessive. (For more detail, see p. 7.)

## Part IV

# Findings and Recommendations

### Finding 1. Misstatement of Financial Activity

#### Summary

During audit fieldwork, a comparison of AFSAPAC's reported financial activity with its bank records revealed a misstatement of receipts, disbursements, and the beginning and ending cash balances for 2013, and the beginning and ending cash balances for 2014. For 2013, AFSAPAC understated the beginning cash balance by \$113,536, understated receipts by \$10,081, understated disbursements by \$67,905, and understated the ending cash balance by \$55,712. For 2014, AFSAPAC understated the beginning cash balance by \$55,712, and the ending cash balance by \$53,393. Multiple amendments were filed after the beginning of the audit for both 2013 and 2014, but they did not fully correct the misstated amounts. The Audit staff recommends that AFSAPAC amend its most recently filed disclosure report to correct the misstatements.

In addition, AFSAPAC's original reports for 2013 and 2014 materially understated receipts by \$310,683. AFSAPAC attempted to correct these misstatements and filed amended reports for each reporting period during the 2 year cycle; filing multiple amendments to correct these errors. The Audit staff recommends that AFSAPAC provide any additional comments it deems necessary with respect to this matter.

#### Legal Standard

**Contents of Reports.** Each report must disclose:

- the amount of cash-on-hand at the beginning and end of the reporting period;
- the total amount of receipts for the reporting period and for the calendar year;
- the total amount of disbursements for the reporting period and for the calendar year; and
- certain transactions that require itemization on Schedule A (Itemized Receipts) or Schedule B (Itemized Disbursements). 52 U.S.C. §30104 (b) (1), (2), (3), (4) and (5).

#### Facts and Analysis

##### A. Misstatement of Financial Activity- Most Recent Reports Filed Prior to the Audit

##### 1. Facts

As part of this audit, the Audit staff reconciled AFSAPAC's reported financial activity with its bank records for calendar years 2013 and 2014. The following charts outline the discrepancies between AFSAPAC's disclosure reports and its bank records. Succeeding paragraphs explain why the discrepancies occurred.

<b>2013 Committee Activity</b>			
	<b>Reported</b>	<b>Bank Records</b>	<b>Discrepancy</b>
Beginning Cash Balance @ January 1, 2013	\$132,671	\$246,207	\$113,536 Understated
Receipts	\$380,743	\$390,824	\$10,081 Understated
Disbursements	\$293,006	\$360,911	\$67,905 Understated
Ending Cash Balance @ December 31, 2013	\$220,408	\$276,120	\$55,712 Understated

The beginning cash balance was understated by \$113,536 and the discrepancy is unexplained, but it likely resulted from prior period misstatements.

The understatement of receipts resulted from the following:

• Contributions from individuals, amount not reported (net)	\$5,500
• Unreported other receipts	10,775
• Unexplained difference	<u>(6,194)</u>
<b>Net Understatement of Receipts</b>	<b><u>\$10,081</u></b>

The understatement of disbursements resulted from the following:

• Contributions to political committees not reported	\$48,100
• Contribution refunds not reported	5,000
• Bank Fees Not Reported	2,485
• Disbursement to Sponsor's account not reported	10,775
• Unexplained difference	<u>1,545</u>
<b>Net Understatement of Disbursements</b>	<b><u>\$67,905</u></b>

<b>2014 Committee Activity</b>			
	<b>Reported</b>	<b>Bank Records</b>	<b>Discrepancy</b>
Beginning Cash Balance @ January 1, 2014	\$220,408	\$276,120	\$55,712 Understated
Receipts	\$462,985	\$464,159	\$1,174 Understated
Disbursements	\$418,751	\$422,243	\$3,492 Understated
Ending Cash Balance @ December 31, 2014	\$264,642	\$318,036	\$53,394 Understated



The \$53,394 understatement of the 2014 ending cash balance resulted mostly from reporting discrepancies noted above from the prior year.

AFSAPAC filed amended reports on January 13, 2016, subsequent to the audit notification letter, dated November 18, 2015. These reports disclosed a cash increase of \$42,915 for 2013. However, the amendments only minimally corrected the reporting discrepancies for 2013, and the beginning and ending cash balances for 2014 remained materially misstated.

## **2. Interim Audit Report & Audit Division Recommendation**

The Audit staff discussed the misstatements for 2013 and 2014 with AFSAPAC's representatives during the exit conference and provided copies of relevant work papers detailing the misstatements. In response, AFSAPAC representative stated that it filed amended reports to correct the misstatements; however, the amendments were filed after AFSAPAC was notified of the audit and the amounts were still misstated as described in the preceding paragraph.

The Audit staff recommends that, within 30 calendar days of service of this report, AFSAPAC amend its disclosure reports to correct the misstatements for both 2013 and 2014. In addition, the Audit staff recommends that AFSAPAC amend its most recently filed report to correct the cash-on-hand balance with an explanation that the change resulted from a prior period audit adjustment.

Further, AFSAPAC should reconcile the cash balance of its most recent report to identify any subsequent discrepancies that may affect the adjustment recommended by the Audit staff.

## **B. Misstatement of Financial Activity – Original Reports Filed**

### **1. Facts**

In addition to reconciling AFSAPAC's most recent reports (filed prior to audit notification) with its bank statements, the Audit staff also compared its originally filed reports with its bank statements. The purpose of this additional reconciliation was to identify the degree to which AFSAPAC had misstated its original filings. From this review, the Audit staff determined that AFSAPAC understated its receipts by \$310,683, for the two-year period that ended December 31, 2014. However, as shown in the charts above, under discrepancies for receipts, AFSAPAC filed amendments that corrected all but \$11,255 (\$10,081 + \$1,174) of this receipt understatement.

The Audit Staff also noted that AFSAPAC filed multiple amended reports for every filing period for 2013 and 2014, filing a total of 151 amendments. For example, for the August 2013 monthly report, AFSAPAC filed amended reports 3 times in 2014, 2 times in 2015, and 1 time in 2016.

## **2. Interim Audit Report & Audit Division Recommendation**

The Audit staff discussed AFSAPAC's understatement of receipts contained in the original reports it filed at the exit conference. In response, an AFSAPAC representative made a rebuttal to the potential understatement finding by providing information about the corrections made in its amended filings. The Audit staff explained to the representative that amendments have no impact on the finding since the finding is based upon the original reports filed.

The Audit staff recommends that, within 30 calendar days of service of this report, AFSAPAC provide any additional comments it deems necessary with respect to this matter.

## **Finding 2. Excessive Contributions Made to Federal Candidates**

### **Summary**

AFSAPAC made 11 contributions to seven federal candidate committees that, when aggregated with 22 previous contributions, appear to have exceeded the contribution limit by \$18,000. In response to the exit conference, AFSAPAC redesignated contributions of \$17,000, and has sought or obtained refunds for the remaining amount. The Audit staff recommends AFSAPAC amend its reports to correctly disclose the redesignation of contributions made and provide evidence of refunds received, or evidence demonstrating that the contributions were not excessive.

### **Legal Standard**

**A. Contribution Defined.** A gift, subscription, loan (except when made in accordance with 11 CFR §§100.82 and 100.83), advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office is a contribution. 11 CFR §100.52(a).

**B. Contribution Limits.** No multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$5,000. 52 U.S.C. §30116 (a)(1)(2)(A).

### **C. Definition of Multicandidate Committee.**

- A multicandidate committee is a political committee (other than an authorized candidate committee) that has satisfied the following 3 requirements:
  - It has been registered under the federal election campaign law for at least 6 months.
  - It has received contributions from more than 50 contributors.
  - It has made contributions to at least 5 federal candidates. (This last requirement does not apply to state party committees.) 52 U.S.C. §30116(a)(4).
- A political committee affiliated with another political committee that has already qualified as a multicandidate committee automatically becomes a multicandidate committee by virtue of that affiliation. But it shares the contributions limits with its affiliated committee. 52 U.S.C. §30116(a)(5).

## **Facts and Analysis**

### **A. Facts**

The Audit staff reviewed AFSAPAC's reported contributions made to federal candidate committees totaling \$492,000. Of this amount, 11 contributions to seven federal candidate committees when aggregated with 22 other contributions appear to exceed the contribution limit by \$18,000.

### **B. Interim Audit Report & Audit Division Recommendation**

At the exit conference, the Audit staff presented the excessive contribution matter to AFSAPAC representatives and provided a schedule of potentially excessive contributions. The Audit staff explained that the excessive contributions resulted from aggregation with other contributions made to the same committees for the same election. The Audit staff asked AFSAPAC's representatives to provide an explanation and documentation for any item on the schedule that they believed to be incorrect. The representatives stated that they would review the items and provide an appropriate response.

In response to the exit conference, AFSAPAC's representative did not mention any corrections to the schedule of excessive contributions, but did provide the Audit staff redesignation letters that were sent out to six of the excessive recipient committees for \$17,000 of the excessive \$18,000 amount. For the remaining excessive contributions, it was noted that a refund had been received and another refund was being sought. The Audit staff recommends that within 30 calendar days of service of this report, AFSAPAC:

- Amends its reports to properly report the elections for which the contributions totaling \$17,000 were redesignated; and
- Provide evidence of the contribution refund checks and their deposit totaling \$1,000; or
- Provide evidence demonstrating that the contributions for \$18,000 (or an appropriate subset of this amount, based on other documentation provided) were not excessive or any additional comments it feels are necessary with respect to this matter.